

REMARKS

Applicant notes with appreciation the withdrawal of the rejection of pending claims 1-4, 6 and 9 under 35 U.S.C. 102 over Laipply as part of paper no. 03222004 (Final Office Action, mailed June 16, 2005). Currently, claims 1-6, 9 and 12-16 remain pending in the application. The outstanding Office Action is silent as to the status of claims 12-16. Information as to the status of these claims is requested. For the purposes of this response, claims 12-16 are treated as being rejected under the sole basis of rejection, along with the other pending claims. By way of this amendment claim 1 has been amended to further emphasize that the pending claims are directed to a novel form of applying anaerobic polymerization components, but otherwise not to change the claim scope. Support for these amendments is found in the specification as filed specifically including, among other sites, text found in the specification at page 5, lines 9-14. As such, it is submitted that no new matter has been added to application by way of this amendment.

Currently, pending claims 1-6 and 9 (and presumptively claims 12-16) stand rejected under 35 U.S.C. 103(a) over Laipply (US 4,696,393 in view of Joshi US 6,415,808 B2).

The basis for the outstanding rejection of claims 1-6 and 9 is that Laipply teaches all the claims aspect with the exception of failing to teach "the chemical being a catalyst, primer, activator, adhesion promoter or polymerization monomer." (Paper No. 03222004, page 3, first full paragraph). Joshi is cited to bolster the teachings of Laipply in this regard for a teaching of a delivery system for cleaning agents. The outstanding Office Action states on page 3, second paragraph:

The delivery system includes a device for retaining the substances and a means for releasing the substance. Joshi teaches organic tin salt solutions as antiseptic agents which may be used in the delivery system. It would have been obvious to one of ordinary skill in the art to use organic-tin compounds in a delivery system of Laipply because the system provides an easy and convenient

manner for delivering anti-septic agents which allows the substance to be delivered without the user touching the substance and further contaminating the surface where the substance is being delivered.

Applicant submits that the pending claims include limitations not found in Laipply, Joshi or the combination thereof. As such, recitations within the pending claims not present in the prior art entitled to patentable weight. Specifically, claim 1 recites "at least one of the first metal substrate and the second substrate receiving said chemical reactant from said reactor first said applicator prior to the first substrate and the second substrate being brought into contact to initiate anaerobic polymerization therebetween, wherein the second substrate is a material selected from the group consisting of glass and metal."

In contrast to the pending claims, Laipply recites "a pad of absorbent material for containing alcohol, such as, for example, a 70% isopropyl alcohol liquid." (column 5, lines 43-46). Laipply continues that the invention "relates to methods of making the integral fluid applying devices and using the same for cleaning or flushing, sterilizing or like fluid applying purposes." (column 19, lines 20-23). Laipply is silent as to application to a metal substrate from the applicator, and thereafter sandwiching the liquid between glass or metal. Additionally, Laipply is silent as to bringing the substrates into contact to "initiate anaerobic polymerization therebetween." (claim 1, line 11).

Joshi teaches the release of a solution contained within a device into another fluid stream and as such is likewise silent as to application to a metal substrate of the liquid and thereafter sandwiching the liquid with a second metal or glass substrate to initiate anaerobic polymerization. As a result, Applicant submits that the combination of the teachings of Laipply and Joshi lack recitations as to the substrate and anaerobic cure. These recitations are submitted to be entitled to patentable weight.

In the event, this rejection is maintained, it is respectfully requested that the teaching relied upon in the prior art references that relate to application to a metal substrate and the subsequent sandwiching of the liquid with a second substrate to initiate anaerobic cure be stated with greater specificity.

Applicant respectfully submits that the prior art reference combination fails to establish a prima facie obviousness rejection on the basis that the prior art reference combination as detailed will necessarily destroy the function of the device detailed in Joshi. Joshi contemplates the delivery of an antiseptic agent such as an organic tin salt solution (column 7, line 43). In the context of a device 20 (as shown in figures 1-9). Joshi indicates that release of a solution (such as an organic tin salt solution) "is actuated upon association of predetermined condition with the second fluid stream. In certain embodiments, the predetermined condition may generally comprise electronic circuitry, as well as various sensors." (column 4, lines 60-64). As such, Applicant submits that Joshi only teaches the release of an organic tin salt solution upon a certain condition relative to second fluid stream and such a second fluid stream is in fact absent inventive instances such as the application of a primer or dry substrate per specification example 1 (page 8, lines 3-page 9, line 8).

Applicant submits that one of ordinary skill in the art would not use an organic tin compound per Joshi in the delivery system of Laipply "because the system's [of Laipply] provides an easy and convenient manner for delivering antiseptic agents which allows the substance to be delivered without the user touching the substance and further contaminating the surface where the substance is being delivered." For the reason being that Joshi already provides an easy and convenient manner for delivering of antiseptic agents without user touching and in fact is automatically released based upon a predetermined condition in a fluid stream. Further, to

deliver organic tin compounds per Joshi absent the actuated release based on a predetermined condition within a second fluid stream is contrary to the function of Joshi and therefore an improper reading as to knowledge imparted to one of skill in the art upon reading Joshi. It is asserted that the motivation for the application of an organic tin substance to a metal substrate is not found in the prior art, but rather in the pending application. The use of the pending application for this purpose has long been established to be an improper hindsight reconstruction.

In light of the above remarks, reconsideration of allowance of independent claim 1 and those that depend there from is requested.

With respect to claim 9, in addition to incorporating an article according to claim 1, claim 9 is submitted also to be patentably distinct on the basis of including the limitation of attachment of a vehicle rearview mirror to a vehicle windshield. As neither Laipply or Joshi recites any limitation with respect to vehicle rearview mirror attachment to a vehicle windshield, it is respectfully submitted that the prior art combination fails to render obvious pending claim 9. The limitations of claim 9 with respect to the use of an article according to claim 1 for the attachment of the vehicle rearview mirror to a vehicle windshield is entitled to patentably consideration.

In the event, this rejection is maintained, it is respectfully requested that the teaching relied upon in the prior art references that relate to attachment of the vehicle rearview mirror to a vehicle windshield be stated with greater specificity.

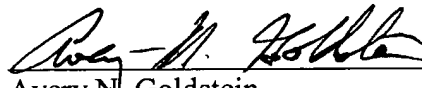
With regard to pending claims 14-16, Applicant submits that neither Laipply nor Joshi provides any teaching as the claimed subject matter. Therefore, these claims (if rejected) are in fact patentable of their merits over the prior art of record.

In light of the above remarks, reconsideration and withdrawal of the rejection as to claim 1-6 and 9 under 35 U.S.C. 103(a) over Laipply in view of Joshi is requested.

Summary

Claims 1-6 and 9 are pending in the application. Entry of this amendment is requested. All the pending claims are believed to be in patentable form and directed to allowable subject matter. Reconsideration and allowance of the pending claims is also solicited.

Respectfully submitted,


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